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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHEPARD, JUSTIN E	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,348	DUREAU, VINCENT	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 5, 11, 12, 13, 14, 20, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of Kaminski.

Referring to claim 1, Moroney discloses a client for use in a television system, wherein the client is located in a television viewer home and comprises:

a receiver configured to receive a programming signal (figure 4); an interface configured to communicate with a secondary device (figure 4, part 450); and a transcode subsystem coupled to the receiver and the interface (figure 4, part 425), wherein the transcode subsystem is configured to:

determine a target data format corresponding to the secondary device (column 8, lines 19-22);

automatically retrieve the transcode subunit (figure 5c; column 8, lines 19-22), responsive to the request;

receive data targeted to the secondary device, wherein the received data comprises a first data format (column 5, lines 47-49);

initiate transcoding of the received data from the first data format to the target data format using the transcode subunit (column 7, lines 26-33).

Moroney does not disclose a system comprising the following actions:

detect a communication from a secondary device;

convey a request for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format;

determine whether the first data format is compatible with the secondary device;

identify the transcode subunit as corresponding to both the first data format and the target data format, in response to determining the first data format is not compatible with the secondary device.

Kaminski discloses a system comprising the following actions:

detect a communication from a secondary device (column 16, lines 52-56);

convey a request for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format (column 24, lines 17-21);

determine whether the first data format is compatible with the secondary device;

identify the transcode subunit as corresponding to both the first data format and the target data format, in response to determining the first data format is not compatible with the secondary device (column 24, lines 17-21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the external storage device equipped to set the quality level, as taught by Kaminski, to the system disclosed by Moroney. The motivation would have been that adding an external storage option makes it easier for the user to upgrade the system.

Claims 13 and 20 are rejected on the same grounds as claim 1.

Referring to claim 2, Moroney discloses a client of claim 1, wherein the transcode subsystem includes a config table configured to associate the secondary device with the target data format (figure 5c, choices 1, 2, and 3).

Claims 14 and 21 are rejected on the same grounds as claim 2.

Referring to claim 4, Moroney discloses a client of claim 1, wherein the transcode subsystem comprises a transcode subunit configured to perform the transcoding (column 6, lines 56-59).

Referring to claim 5, Moroney discloses a client of claim 4, wherein the transcode subsystem further comprises a second transcode subunit configured to transcode data to a second data format (column 5, lines 47-49).

Referring to claim 11, Moroney discloses a client of claim 1, wherein the client comprises a set-top box (figure 4, part 400).

Referring to claim 12, Moroney discloses a client of claim 1, wherein the client is further configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device (column 8, lines 19-22).

Referring to claim 28, Moroney discloses a client as recited in claim 1, wherein the transcode subsystem is configured to store a plurality of transcode subunit (figure 5c), each of which transcodes data from one format to a different format (column 5, lines 47-49).

Claims 3, 6, 7, 15, 16, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of Kaminski as applied to claim 1 above, and further in view of Krapf.

Referring to claim 3, Moroney does not disclose a client of claim 1, wherein the transcode subsystem comprises a control unit configured to access the config table to determine the target data format, and wherein the transcode subsystem is further configured to register the secondary device in response to determining the transcode subsystem is configured to support said target data format.

Kaminski discloses a client of claim 1, wherein the transcode subsystem comprises a control unit configured to access the config table to determine the target data format, and wherein the transcode subsystem is further configured to determine if

the transcode subsystem is configured to support said target data format (column 24, lines 17-21; as noted in claim 1).

Kaminski does not disclose a client of claim 1, wherein the transcode subsystem is further configured to register the secondary device.

Krapf discloses a client of claim 1, wherein the transcode subsystem is further configured to register the secondary device (column 6, lines 61-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to register the PVR as taught by Krapf in the system disclosed by Moroney and Kaminski. The motivation would have been to enable the STB to determine what content is stored on the PVR (Krapf: column 6, lines 61-67).

Claim 25 is rejected on the same grounds as claim 3.

Referring to claim 6, Moroney and Kaminski do not disclose a client of claim 2, wherein the transcode subsystem is configured to: detect an additional secondary device; and register the additional secondary device.

Krapf discloses a client of claim 2, wherein the transcode subsystem is configured to: detect an additional secondary device; and register the additional secondary device.

At the time of the invention it would have been obvious for one of ordinary skill in the art to register the PVR as taught by Krapf in the system disclosed by Moroney and Kaminski. The motivation would have been to enable the STB to determine what content is stored on the PVR (Krapf: column 6, lines 61-67).

Claims 15 and 22 are rejected on the same grounds as claim 6.

Referring to claim 7, Moroney and Kaminski do not disclose a client of claim 6, wherein registering the additional secondary device comprises storing an entry corresponding to the secondary device in the config table, wherein the entry indicates the corresponding target data format.

Krapf discloses a client of claim 6, wherein registering the additional secondary device comprises storing an entry corresponding to the secondary device in the config table, wherein the entry indicates the corresponding target data format (column 6, lines 61-67; column 7, lines 9-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to register the PVR as taught by Krapf in the system disclosed by Moroney and Kaminski. The motivation would have been to enable the STB to determine what content is stored on the PVR (Krapf: column 6, lines 61-67).

Claims 16 and 23 are rejected on the same grounds as claim 7.

Claims 8, 17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of Kaminski as applied to claim 1 above, and further in view of Plourde.

Referring to claim 8, Moroney and Kaminski do not disclose a client as recited in claim 1, wherein the transcode subsystem is configured to:

discard the second received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available.

Plourde discloses a client as recited in claim 1, wherein the transcode subsystem is configured to:

discard the second received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available (page 14, paragraph 107, lines 22-24).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method of determining that no transcode subunit is available, as taught by Plourde, to the system disclosed by Moroney and Kaminski. The motivation would have been to stop large bit-rate files from being downloaded and using up the storage space (Plourde: page 14, paragraph 107, lines 24-27).

Claims 17 and 24 are rejected on the same grounds as claim 8.

Claims 9, 10, 18, 19, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney in view of Kaminski as applied to claim 1 above, and further in view of McGraw in view of Chatani.

Referring to claim 9, Moroney and Kaminski do not disclose a client of claim 1, wherein the transcode subunit is further configured to display an indication to a viewer

as to where the transcode subunit may be obtained, in response to determining said transcode subunit is not automatically retrievable.

McGraw discloses a client of claim 1, wherein the transcode subunit is further configured to determine if said transcode subunit is not automatically retrievable (column 12, lines 1-5).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transcode subunit determination taught by McGraw, to the system disclosed by Moroney and Kaminski. The motivation would have been to inform the user of the programs they are allowed to record.

Moroney, Kaminski, and McGraw do not disclose a client of claim 1, wherein the transcode subunit is further configured to display an indication to a viewer as to where the transcode subunit may be obtained.

Chatani discloses a client of claim 1, wherein the transcode subunit is further configured to display an indication to a viewer as to where the transcode subunit may be obtained (page 7, column 2, lines 14-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the website software purchasing taught by Chatani to the system disclosed by Moroney, Kaminski and McGraw. The motivation would have been to make it simple for users to upgrade their STB.

Claims 18 and 26 are rejected on the same grounds as claim 9.

Referring to claim 10, Moroney, Kaminski and McGraw do not disclose a client of claim 9, wherein said indication comprises a message selected from the group consisting of: a location where the requested subunit may be purchased; and a link to a website where the requested subunit may be obtained.

Chatani discloses a client of claim 9, wherein said indication comprises a message selected from the group consisting of: a location where the requested subunit may be purchased; and a link to a website where the requested subunit may be obtained (page 7, column 2, lines 14-17).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the website software purchasing taught by Chatani to the system disclosed by Moroney, Kaminski and McGraw. The motivation would have been to make it simple for users to upgrade their STB.

Claims 19 and 27 are rejected on the same grounds as claim 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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